

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

JOSHUA GILSON,

Plaintiff,

v.

**MANUEL ALVAREZ, IV,
MATTHEW D. HARRIS, JOSEPH
A. BARRON, LUIS AGRINSONI,
CARLOS LARA and
JOSE APODACA,**

Defendants.

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CAUSE NO. EP-21-CV-_____

PLAINTIFF'S ORIGINAL COMPLAINT

INTRODUCTION

Plaintiff Joshua Gilson files this lawsuit against Federal Officers of the United States Border Patrol, alleging violations of his civil rights and requesting relief under the United States Constitution.

As alleged with greater specificity in paragraphs 5 - 27 of this Complaint, Plaintiff alleges that he was unlawfully detained, and brutally and inhumanely beaten by the named federal officers. These actions happened under the color of law during their official duties.

JURISDICTION AND VENUE

1. This is a civil action brought pursuant to Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971). This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 2201.
2. Venue is proper in the Western District of Texas under 28 U.S.C. §1391(b) because the events giving rise to these claims occurred in this judicial district.

PARTIES

3. Plaintiff Joshua Gilson resides in Virginia.
4. Upon information and belief, Defendant Manuel Alvarez IV resides in El Paso, Texas.
5. Upon information and belief, Defendant Matthew D. Harris resides in El Paso, Texas.

6. Upon information and belief, Defendant Joseph A. Barron resides in El Paso, Texas.
7. Upon information and belief, Defendant Luis Agrinoni resides in El Paso, Texas.
8. Upon information and belief, Defendant Carlos Lara resides in El Paso, Texas.
9. Upon information and belief, Defendant Jose Apodaca resides in El Paso, Texas.

STATEMENT OF FACTS

10. Plaintiff Joshua Gilson is a native and citizen of the United States.
11. Mr. Gilson is a One Hundred Percent 100% disabled American Veteran and uses a cane to walk.
12. On July 15, 2019, Mr. Gilson, contacted the Clint Concentration Camp, and local police to notify them he was planning a protest and that he wanted to find out if there were any special rules that needed to be followed to exercise his First Amendment Right to protest the detention at the camp.
13. Mr. Gilson arrived at approximately 5:30 pm. He had posted information with regard to his desire to protest on social media.
14. Mr. Gilson upon arriving was questioned by El Paso County Sheriff's Deputies. They allowed him to proceed.
15. Mr. Gilson was carrying a sign during his protest. The sign clearly expressed his desire to "Liberate the concentration camp... prosecute the guards...nothing else will do". It did not mention or threaten any violence and was squarely within the First Amendment to the United States Constitution.
16. Mr. Gilson posted on Facebook that he was "mad as hell and was going to...peacefully liberate..." the camp.
17. Mr. Gilson walked along the public road way to picket the camp.
18. Supervisory Border Patrol Agent (SBPA) Joseph A. Barron illegally ordered men to "move in" on Mr. Gilson based on the "blunt" object and the threats on Facebook.
19. SBPA gave Mr. Gilson commands and Mr. Gilson complied with those commands. Mr. Gilson never resisted.
20. SBPA and Border Patrol Agents (BPA) Luis Agrinoni, Carlos Lara approached and

handcuffed Mr. Gilson based on his peaceful protest. BPA Jose Apodaca consented and participated in the illegal detention. Mr. Gilson never threatened anyone.

21. Mr. Gilson asks for medication while detained, Mr. Gilson is told that without providing the names of others he will not be provided medication.
22. Mr. Gilson tells BPA John Doe that he is having a medical emergency and is bleeding internally, he is denied medical treatment. Mr. Gilson is in pain.
23. Mr. Gilson was detained from 5:30 pm until approximately 9:45 pm. When he was “escorted” by BPA Manuel Alvarez who told him to hurry up, then pushed Mr. Gilson to the ground for failure to move faster. This caused pain. After that time Mr. Gilson was struck in the abdomen by some or all of the defendants. This caused pain. A second BPA unseen states “I didn’t see anything”.
24. Mr. Gilson is transported from Clint area to the El Paso County Detention Center by the Federal Bureau of Investigation (FBI). FBI agents Issac Frost and Shannon Enochs are advised by Mr. Gilson that he was struck by the BPAs and shoved to the floor. The agents are asked for medical treatment and decline to provide any. They take away his cane and continue to refuse to provide any medications. The agents decline to take any actions and continue to illegally detain Mr. Gilson turning a blind eye and deaf ear to his medical requests.
25. Two days later upon release from the El Paso County Detention Center Mr. Gilson calls for an ambulance and is transported to the hospital.
26. Mr. Gilson was prosecuted federally for his constitutionally protected protest and was acquitted by a jury of his peers.
27. Mr. Gilson was physically and mentally injured by the attacks and depredations on him. He was physically and mentally injured.

CAUSES OF ACTION BIVENS/CONSTITUTIONAL TORTS

28. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 27 above.
29. As a result of the above-described actions, Mr. Gilson was deprived of his rights secured by the First, Fourth and Fifth Amendments to the U.S. Constitution and seeks recovery for the injuries he suffered.

30. Plaintiff is entitled to actual, compensatory and punitive damages.

JURY TRIAL DEMAND

31. Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that this Court provide the following relief:

Assume jurisdiction over this action; award Plaintiff Mr. Gilson actual, compensatory and punitive damages, in an amount to be determined by a jury at trial, against Defendants; Award Plaintiff any other relief that this Court deems just and proper at law and in equity.

Respectfully submitted,

/s/ Brock Benjamin
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